MAYO LAW OFFICES
ATTORNEYS AT LAW
ADMINISTRATIVE OFFICE
P.O. BOX 1385
FAYETTEVILLE, ARKANSAS 72702 1385
TELEPHONE 479.444.9323 FACSIMILE 479.444.9326

www.MayoLawOffices.com

William R. Mayo*
E-mail: Wmayo@MayoLawOffices.com
*Licensed in Arkansas, Oklahoma and Texas

Katheryn Castleberry, Office Administrator
Plaza Centre
609 S.W. 8th Street, 6th Floor
Bentonville, Arkansas

December 28, 2011

Mr. Jeff Harper, City Attorney
City of Springdale
P.O. Box 1208
Springdale, AR 72765

VIA ELECTRONIC/REGULAR MAIL

RE: Fire Chief Duane Atha

Dear Mr. Harper:

Please note that the contents of this letter although addressed to you, are likewise intended for Mayor Sprouse on behalf of the City of Springdale.

As you are aware by our agreement a pre-disciplinary hearing is set for tomorrow morning at 9:00 a.m. regarding my client, Fire Chief Duane Atha.

In light of a number of factors, not the least of which are the financial demands arising from Chief Atha's current divorce proceedings, he has elected to accept retirement in lieu of continued employment with the City of Springdale effective immediately. He has authorized me to communicate this fact to you on behalf of the City of Springdale, and in turn to Mayor Sprouse as evidenced by Chief Atha's signature following the conclusion of this letter.

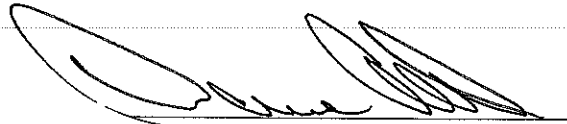
He has asked that I also make it known that the manner in which this has been handled has directly been responsible for not only the deterioration and end of his marriage, but has cast a pall over his career undermining his effectiveness to continue to lead as Springdale's fire chief regardless of the ultimate outcome of this matter.

There are other issues that need to be addressed with respect to this announcement as follows:

A) The return of all remaining personal items belonging to Chief Atha.
B) In addition to his retirement benefits, a lump sum payout of three months salary of unused sick leave, and accrued vacation.
C) Retiree/COBRA health insurance options including his obligation for COBRA benefits to his wife once the divorce is concluded.

D) Recalculation of annual pay reported to LOPFI to include the past three years of Holiday Pay and readjustment of reported earnings to LOPFI.

After having reviewed with my client the 5 volumes of the investigative file along with the supporting items, it is clear that our earlier conclusion that this suspension was first based upon false allegations of theft that were without merit has been borne out, not only by the Washington County Prosecutor's Office and as noted in the City's internal report.

Chief Atha has concluded that the residents of the City of Springdale should not suffer as a result of the continued distraction this matter has brought upon them. On a personal level the stress of this process has also taken its toll on my client and his family, not to mention the damage to his personal reputation.

I will look forward to hearing from you regarding the retirement issues outlined above.

Please provide Mayor Sprouse with a copy of this letter as I am indicating below. Thank you.

Sincerely,

WILLIAM R. MAYO

DUANE ATHA

WRM:mm

cc: Chief Duane Atha
Mayor Doug Sprouse

Mayo Law Offices
1831 E. 71st Street
Tulsa, Oklahoma 74136
Telephone 877.454.9323
Fax 877.499.9326

Mayo Law Offices
3514 Cole Avenue, Ste 600
Dallas, Texas 75205
Tel. 800.599.5733
Fax 877.449.9326

info@MayoLawOffices.com